

Exhibit E

From: James Graves
Sent: Wednesday, March 04, 2009 5:01 PM
To: James Graves; 'David Page'
Cc: 'Bob Blakemore'; 'Louis Bullock'; 'Kelly.Burch@oag.ok.gov'; 'fbaker@motleyrice.com'; 'Richard Garren'; 'Bob Nance'; 'David Riggs'; 'cxidis@motleyrice.com'; 'lward@motleyrice.com'
Subject: RE: Horne deposition

David, I will take your lack of response as the State's refusal to produce the considered materials and communications for the new analysis performed by the State's experts. I'll see you at 9am tomorrow morning.

Thanks,

James M. Graves
Bassett Law Firm LLP

From: James Graves
Sent: Wednesday, March 04, 2009 3:19 PM
To: David Page
Cc: Bob Blakemore; Louis Bullock; Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; Richard Garren; Bob Nance; David Riggs; cxidis@motleyrice.com; lward@motleyrice.com
Subject: RE: Horne deposition

It isn't a unique position. The parties' course of dealing in this case has been when an expert does analysis, he/she produces his considered materials and emails. Why would this analysis by your experts be treated any differently?

From: David Page [mailto:dpage@riggsabney.com]
Sent: Wed 3/4/2009 3:11 PM
To: James Graves
Cc: Bob Blakemore; Louis Bullock; Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; Richard Garren; Bob Nance; David Riggs; cxidis@motleyrice.com; lward@motleyrice.com
Subject: RE: Horne deposition

Can you provide me with some authority for your position?

David P. Page
Riggs, Abney, Neal, Turpen, Orbison & Lewis, Inc.
502 W. 6th Street
Tulsa, OK 74119-1010
918-587-3161
918-583-1549 (fax)
dpage@riggsabney.com

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From: James Graves [mailto:jgraves@bassettlawfirm.com]
Sent: Wednesday, March 04, 2009 3:01 PM
To: David Page
Cc: Bob Blakemore; Louis Bullock; Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; Richard Garren; Bob Nance; David Riggs; cxidis@motleyrice.com; lward@motleyrice.com
Subject: RE: Horne deposition

I am not asking for the exhibits or your deposition questions. We are entitled to whatever considered materials there are for the analysis that went into preparing the exhibits and to the communications related to their preparation.

From: David Page [mailto:dpage@riggsabney.com]
Sent: Wed 3/4/2009 2:57 PM
To: James Graves
Cc: Bob Blakemore; Louis Bullock; Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; Richard Garren; Bob Nance; David Riggs; cxidis@motleyrice.com; lward@motleyrice.com
Subject: RE: Horne deposition

James, I don't know how else I can answer. The materials I am using are my work product which I have pulled together from many sources to examine your expert witnesses. As I said before, all of the information that I am using has been produced. I can't see what else you are entitled to know prior to the deposition. I am also failing to see how this relates to expert considered materials. The considered materials for the expert reports that we have submitted as allowed by the Court have been submitted to defendants as best as I can determine. If you can be more specific as to what you believe is missing I can check on those items. Under what I understand as your request, you would want a copy of my questions and exhibits before an expert's deposition.

David.

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From: James Graves [mailto:jgraves@bassettlawfirm.com]
Sent: Wednesday, March 04, 2009 2:33 PM
To: James Graves; David Page
Subject: RE: Horne deposition

David, are you going to answer the question posed below?

From: James Graves
Sent: Fri 2/27/2009 4:11 PM
To: David Page
Subject: RE: Horne deposition

David, please read my email. That isn't what I asked. We are also entitled to the analysis, all considered materials, and the communications relating to generating such "information". Can you confirm that we already have received all materials reviewed or otherwise considered by your experts in creating such information (whether or not it was in fact incorporated into the exhibits), as well as any written notes, communications and other related materials associated with the analysis undertaken to produce such materials?

From: David Page [mailto:dpage@riggsabney.com]
Sent: Friday, February 27, 2009 4:05 PM
To: James Graves
Subject: RE: Horne deposition

James, as I mentioned earlier at the Johnson deposition, the State has produced the information that was used to create the exhibits prepared for the deposition.

David.

David P. Page
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From: James Graves [mailto:jgraves@bassettlawfirm.com]
Sent: Friday, February 27, 2009 11:28 AM
To: David Page
Subject: Horne deposition

David,

If you have or intend to use any so-called "rebuttal" analysis for next week's deposition (or, in fact, other depositions), several of the defendants have outstanding discovery requests which cover such materials and analysis by the State. Moreover, I believe we are entitled to production of all considered materials and communications related to such material.

We are not waiving our objections to such materials and analysis as being untimely and not fitting within the court's order regarding "true rebuttal." Nevertheless, the State is obligated to produce such materials and analysis.

Thanks,

James M. Graves
Bassett Law Firm LLP